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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/883,509
Filing Date: June 19, 2001
Appellant(s): BEDELL ET AL.

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Technology Center 2100

Brian Buroker
Reg. No. 39,125
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 22, 2006 appealing from the Office action mailed January 17, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,889,958	WILLENS	03-1999
6,484,168	PENNOCK et al	11-2002

6,182,226

REID et al

01-2001

(9) Grounds of Rejection

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,7, and 13 recite of a reporting system in the preamble and the bodies of the claims have been amended to include use of an on-line analytical processing system. It is unclear if the claims are directed towards a reporting system or an on-line analytical processing system.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,7, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Willens, U.S. Patent 5,889,958.

As per claims 1,7, and 13, it is disclosed by Willens of a method, system, and processor readable medium comprising computer code for execution by a processor for implementing a security filter for regulating access to data associated with a network access server (reporting system/on-line analytical processing system)(col. 1, lines 6-13; col. 2, lines 50-61; col. 3, lines 16-20 & col. 9, lines 17-20). A user is enabled to submit a password and profile (user identification) for a user request to a network access server (reporting system) wherein the user is identified based on their user profile (identification input), and then data is retrieved in accordance with the user request if authorized (col. 3, lines 16-20 & col. 5, lines 9-21). The retrieved data is filtered based on a security filter associated with the user profile (identified user)(col. 5, lines 9-21 & col. 5, line 58 through col. 6, line 5). The data (report) is presented to a user through a browser (user interface)(col. 4, lines 58-62 & col. 5, lines 9-21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4,6,8-10,12,14-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willens, U.S. Patent 5,889,958 in view of Pennock et al, U.S. Patent 6,484,168.

As per claims 2-4,8-10, and 14-16, the teachings of Willens disclose of implementing a user security filter that filters requested data. The teachings of Willens fails to disclose that the security filter comprises a filter expression that specifies a subset of data in the database and has a top range and bottom range attribute that specifies the highest and lowest levels of analysis for applying the security filter. It is disclosed by Pennock et al of word filters (filter expression) that determine a subset of topics (data)(col. 2, lines 59-66). A frequency filter determines the upper (highest) and lower frequency ranges (levels) that apply to the filtering the database (col. 3, lines 22-25). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply expressions and ranges that help in filtering content for desired specifications. The motivational benefit of applying expressions and ranges is disclosed by Pennock et al wherein the content retrieved from a database is greatly reduced and information that is either not related or is redundantly recited is removed (col. 3, lines 46-53). It is obvious that the teachings of Pennock et al would have improved the teachings of Willens by setting ranges and expressions that is to be applied to the security filter wherein it would act more efficiently to remove unrelated data or redundant data that a user is not authorized to view.

As per claims 6,12, and 18, it is taught by Willens that the security filter varies by user and rules (fact element)(col. 5, lines 12-13 & col. 5, line 58 through col. 6, line 5).

Claims 5,11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willens, U.S. Patent 5,889,958 in view of Reid et al, U.S. Patent 6,182,226.

The teachings of Willens disclose of implementing security filter that filters requested data based upon a user profile. The teachings of Willens are silent in disclosing that the user is associated with a group of users and applying a group level security filter. In a teaching by Reid et al, it is disclosed of a (group level) security filter that is applied to a connection and grouping users that have the same rights (col. 5, lines 14-24 & col. 6, lines 39-41). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated group users with similar profiles into the same category for applying security rules. Reid et al discusses motivation for applying the grouping of users by reciting that user's have the same rights and can allow roaming users to be grouped into regions (col. 5, lines 14-24). It is obvious that the teachings of Willens could have been altered in order to allow for the grouping of users to form a group level security filter so that user's with the same rights can be grouped together as is disclosed by Reid et al.

(10) Response to Arguments

A. *The Rejection Under 35 USC 112 of claims 1-18 is improper.*

(1) The Appellant argues that the specification discloses of an on-line analytical processing system, or OLAP, is an examiner of one type of reporting system and has pointed to Figures 1 and 2 and additionally relies on page 1, lines 5-6 and page 5, lines 21-22. The term "reporting system" recited in the preambles of independent claims 1,7, and 13 and "on-line analytical processing system" used in the bodies of the same claims

do not result in indefiniteness for failing to point out and distinctly claim the subject matter which the Appellant regards as their invention.

The examiner respectfully disagrees with the Appellant's assertion. The examiner understands that an OLAP is one example of a particular type of reporting system, however the examiner views the combination of a "reporting system" from the preamble and that claimed in the body of the claims of an "on-line analytical processing system" as creating a disconnect between the preamble and content of the bodies of the claims whereby the terminology is inconsistently claimed. If the Appellant were to claim the language "reporting system, whereby the reporting system is an on-line analytical processing" would tie the claim language together. By claiming both a "reporting system" and an "on-line analytical processing system" creates confusion in the claim language since there is no consistency in the claim terminology.

B. *The rejection under 35 USC 201(b) of claims 1,7, and 13 in view of Willens is improper.*

(1) The Appellant indicates the examiner has acknowledged that an "on-line analytical processing system", or OLAP, is not disclosed, but rather the "network access server" disclosed by Willens is not the same as an OLAP. The Appellant further relies on the specification that describes "analyze data from a number of different perspectives and support complex analyses against large input data sets" as is recited on page 1, lines 14-15.

The examiner respectfully disagrees with the Appellant's assertion. Indeed, according to the Appellant's specification on page 1, lines 11-17, an OLAP is defined as

being a system that “analyze the data from a number of different perspectives and support complex analyses against large input data sets”. However, the teachings of Willens disclose of a network access server that contains user filters and sites for access that have been requested in the local cache that is used to obtain an access determination for user requests, see column 3, lines 18-23. It is further recited in the teachings of Willens that the network access server also handles monitored “kid” accounts as well as unrestricted “adult” adult accounts, see column 4, lines 46-57. The teachings of Willens demonstrate that multiple factors, or perspectives, such as child and adult accounts are used and that complex computations, such as filtering take place. Although the teachings of Willens do not specifically disclose the use of an OLAP, the functionality defined by the applicant's specification is anticipated by the teachings of Willens. The specification is used as a guide, however the features relied upon by the Appellant are not recited in the claims. In response to Appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an OLAP is used to analyze data from a number of different perspectives and support complex analyses against large input data sets) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(2) The Appellant further argues that Willens does not teach or suggest “retrieving data associated with an on-line analytical processing system” or “code for

causing a processor to retrieve data associated with an on-line analytical processing system”.

The examiner respectfully disagrees with the Appellant's assertion. Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The examiner has provided support for the interpretation of an OLAP corresponding to the functionality performed by the network access server, please refer to section B (2).

Pertaining to the arguments of “retrieval of data” and “code for causing a processor to retrieve data”, Willens teaches of processing user requests for access, or retrieval, of content associated through the network access control server, see column 5, line 58 through column 6, line 5. Willens additionally teaches of a program, or code, that is executed, or processed inherently by a processor, on a network data processing system, see column 9, lines 17-20.

(3) The Appellant continues to argue that Willens fails to disclose that an “OLAP” is not taught by Willens, nor is “analyze the data from a number of different perspectives and support complex analyses against large input data sets”. Furthermore, the Appellant asserts that Willens fails to teach of “filtering retrieved data” as is claimed in claims 1,7, and 13.

The examiner respectfully disagrees with the Appellant's assertion. Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out

how the language of the claims patentably distinguishes them from the references. The examiner has provided support for the interpretation of an OLAP corresponding to the functionality performed by the network access server, please refer to section B (2). As per the Appellants arguments related to “filtering retrieved data”, Willens discloses of processing user requests for access, or retrieval, of content associated through the network access control server, see column 5, line 58 through column 6, line 5. The teachings of Willens further recite of a network access server that contains user filters and sites for access that have been requested in the local cache that is used to obtain an access determination for user requests, see column 3, lines 18-23. The Appellant has not shown differences of the “filtering” in the claim language versus the prior art, or discussed the teachings of Willens and how the “filtering” process is different from the Appellant’s claim language.

(4) It is argued by the Appellant that Willens fails to teach of “presenting the data as a report to the user through a user interface”. The Appellant asserts that Willens presents a notification as to whether access is allowed or denied, see column 4, lines 58-62 and column 5, lines 9-21. Willens “does not format or control the presentation of data that is returned for a user request” and the specification recites “a report that inputs a template to indicate the way to present the output”, see page 1, line 16. The “output referred to is the data returned by the query submitted by the user not the results of the security filtering”, see Figure 1, 222,224,226.

The examiner respectfully disagrees. In response to applicant’s argument that the references fail to show certain features of applicant’s invention, it is noted that the

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features upon which applicant relies (i.e., “format or control the presentation of data that is returned for a user request”, “a report that inputs a template to indicate the way to present the output”, and “output referred to is the data returned by the query submitted by the user not the results of the security filtering”) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Willens recites of presenting the data, or report, to a user through a browser, or interface, see column 4, lines 58-62 and column 5, lines 9-21.

C. *The rejection under 35 USC 103(a) of claims 2-4,6,8-10,12, and 14-16 as being unpatentable under Willens in view of Pennock et al.*

(1) The Appellants asserts that the examiner has failed to show the proper motivation that must come from the teachings of the prior art to avoid impermissible hindsight.

The examiner respectfully disagrees, the examiner has provided motivation taught by Pennock et al wherein the content retrieved from a database is greatly reduced and information that is either not related or is redundantly recited is removed (col. 3, lines 46-53). The motivation has come from the teachings of the prior art and the examiner has avoided the use of impermissible hindsight.

(2) The Appellant argues that “a security filter comprises a filter expression that specifies the highest and lowest levels of analysis for applying the security filter” is not taught by Pennock.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

(3) The Appellant argues that Pennock fails to disclose "a filter expression that specifies a subset of data in at least one database" as is claimed in claims 2, 8, and 14. Pennock only refers to "a sequence of word filters" capable of filtering words out of documents so that only the relevant words characterizing the documents remain in a word set, see column 2, lines 59-63. Pennock does not disclose a "filter expression" and the data in the present claim is not limited to words and expressions in the current claims do not equate to words lists.

The examiner respectfully disagrees with the Appellant, the Appellant does not provide an explanation of relevance pertaining to the statement "Pennock does not disclose a filter expression and the data in the present claim is not limited to words and expressions in the current claims do not equate to words lists". Pennock teaches of word filters, or filter expressions, that determine a subset of topics, such as data, that is maintained in the database, see column 2, lines 52-66. There is no distinction in the Appellant's claim language to show "filter expression and the data in the present claim is not limited to words and expressions in the current claims do not equate to words lists". It appears that the Appellant is placing additional meaning from the specification into the interpretation of the claim language of "filter expression" from the specification. Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(4) Pertaining to claims 3,9, and 15, the Appellant argues that there is no suggestion in Pennock of “top range attribute that specifies the highest level of analysis to which the security filter is applied”. Pennock only refers to a “frequency filter which counts the number of occurrences of a word within a database and eliminates words with occurrences above and below a certain range”, see column 3, lines 22-25.

The examiner disagrees with the Appellant’s assertion. Pennock discloses that a frequency filter determines the upper, or highest, and lower frequency ranges, or levels, that apply to the filtering the database, see column 3, lines 22-25. Again, the Appellant has failed to show a distinction between the claim language versus the prior art teaching of Pennock. It appears that the Appellant is placing additional meaning from the specification into the interpretation of the claim language of “top range attribute that specifies the highest level of analysis to which the security filter is applied” from the specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(5) As per claims 4,10, and 16, it is argued by the Appellant that Pennock fails to disclose “a bottom range attribute that specifies the lowest level of analysis to which the security filter is applied” and the cited portion of Pennock “refers to a frequency filter which counts the number of occurrences of a word within a database and eliminates words with occurrences above and below a certain range”, see column 3, lines 22-25.

The examiner respectfully disagrees with the Appellant, Pennock discloses that a frequency filter determines the upper, and lower, or bottom, frequency ranges, or levels, that apply to the filtering the database, see column 3, lines 22-25. Again, the Appellant has failed to show a distinction between the claim languages versus the prior art teaching of Pennock. It appears that the Appellant is placing additional meaning from the specification into the interpretation of the claim language of “a bottom range attribute that specifies the lowest level of analysis to which the security filter is applied” from the specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(6) The Appellant argues claims 6,12, and 18 in that neither Willens, nor Pennock, teach a “security filter varies by user and at least one fact/metric element” and that Willens’ filters are based on network access rules.

The examiner disagrees with the Appellant’s assertion. Willens teaches of a security filter that varies by user and rules, of fact elements, see column 5, lines 12-13 and column 5, line 58 through column 6, line 5. It appears that the Appellant is placing additional meaning from the specification into the interpretation of the claim language of “security filter varies by user and at least one fact/metric element” from the specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(7) The Appellant has argued that no motivation to combine has been provided.

The examiner has addressed this issue above, please refer to section C(1).

D. *The rejection under 35 USC 103(a) of claims 5, 11, and 17 as being unpatentable under Willens in view of Reid et al.*

(1) The Appellants asserts that the examiner has failed to show the proper motivation that must come from the teachings of the prior art to avoid impermissible hindsight.

The examiner respectfully disagrees, the examiner has provided motivation taught by Reid et al wherein is recited of applying the grouping of users by reciting that user's have the same rights and can allow roaming users to be grouped into regions, see column 5, lines 14-24. The motivation has come from the teachings of the prior art and the examiner has avoided the use of impermissible hindsight.

(2) It is argued by the Appellant that Reid fails to teach "wherein the user is associated with a group of users wherein the security filter is a group level security filter". The group security filter disclosed is Reid is a network access filter, not a data filter.

The examiner respectfully disagrees, Reid is relied upon for teaching a (group level) security filter that is applied to a connection and grouping users that have the same rights, see column 5, lines 14-24 and column 6, lines 39-41. Although Reid disclose of network access filtering, the network information is broadly interpreted as just "data" which meets the Appellant's claim language. It appears that the Appellant is placing additional meaning from the specification into the interpretation of the claim

language of “the user is associated with a group of users wherein the security filter is a group level security filter” from the specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(3) The Appellant has argued that no motivation to combine has been provided. The examiner has addressed this issue above, please refer to section D(1).

In summary, the Appellant has argued for each, and every claim, that it has not been shown to be taught in the prior art of analytical processing system”, or OLAP, that is relied upon to “analyze data from a number of different perspectives and support complex analyses against large input data sets” as is recited on page 1, lines 14-15.

The examiner has countered the Appellant’s assertion by relying upon the Appellant’s specification on page 1, lines 11-17, that an OLAP is defined as being a system that “analyze the data from a number of different perspectives and support complex analyses against large input data sets”. The teachings of Willens disclose of a network access server that contains user filters and sites for access that have been requested in the local cache that is used to obtain an access determination for user requests, see column 3, lines 18-23. It is further recited in the teachings of Willens that the network access server also handles monitored “kid” accounts as well as unrestricted “adult” adult accounts, see column 4, lines 46-57. The teachings of Willens demonstrate that multiple factors, or perspectives, such as child and adult accounts are

used and that complex computations, such as filtering take place. Although the teachings of Willens do not specifically disclose the use of an OLAP, the functionality defined by the applicant's specification is anticipated by the teachings of Willens. The specification is used as a guide, however the features relied upon by the Appellant are not recited in the claims. In response to Appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an OLAP is used to analyze data from a number of different perspectives and support complex analyses against large input data sets) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(11) Related Proceedings Appendix

No decision rendered by a court of the Board is identified by the examiner in the Related Appeals and Interferences section of the examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully Submitted,



5/24/06

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